

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:     GEORGE MERKEL

LAURA ANN MERKEL  
AKA: FKA LAURA A. FOY

CHAPTER 13

Debtor(s)

CASE NO: 1-15-01918-HWV

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE

Movant

MOTION TO DISMISS

vs.

GEORGE MERKEL

LAURA ANN MERKEL  
AKA: FKA LAURA A. FOY  
Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, comes Charles J. DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney James K. Jones, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on May 4, 2015.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates - 05/20/2015 06/13/2015 07/14/2016 03/22/2017 06/14/2017.
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently 3 months in default with arrearages of \$846.00 through October 16, 2018.
6. The non-payment of Debtor's plan obligation is
  - a. a material default with respect to the confirmed plan; and
  - b. an unreasonable delay by Debtor that is prejudicial to creditors.
7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Dated: October 16, 2018

Respectfully submitted,

/s/ James K. Jones, Esquire

ID: 39031

Attorney for Movant

Charles J. DeHart, III

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Fax: (717) 566-8313

eMail: [jjones@pamd13trustee.com](mailto:jjones@pamd13trustee.com)

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**NOTICE**

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion. Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

**CONFERENCE before Trustee:**

November 7, 2018 at 9:00 am  
Bankruptcy Courtroom  
Ronald Reagan Federal Bldg  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

**HEARING:**

November 7, 2018 at 09:35 AM  
Bankruptcy Courtroom  
Ronald Reagan Federal Bldg.  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend the conference or dismissal hearing unless one of the following takes place.

1. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the U.S. Bankruptcy Court.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT IMMEDIATELY AFTER YOUR CONFERENCE WITH THE TRUSTEE AND MAY RESULT IN DISMISSAL OF YOUR CASE.**

Dataed: October 16, 2018

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717)566-6097  
Fax: (717) 566-8313



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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on October 16, 2018, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

LARRY W. WOLF, ESQUIRE  
215 BROADWAY  
HANOVER, PA 17331-

Served electronically

GEORGE MERKEL  
LAURA ANN MERKEL  
62 ALLEN DRIVE  
HANOVER, PA 17331

Served by 1<sup>st</sup> Class Mail

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 16, 2018

Liz Joyce  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.